

On May 3, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7719. Adulteration and misbranding of Compound Syrup of the Hypophosphites, Bromo Febrin, Hystoria, and Aromatic Cod Liver Oil Emulsion and misbranding of Red Cross Kidney and Liver Regulator, White Pine and Tar Syrup, and Boro-Thymine. U. S. \* \* \* v. Cal-Sino Co., a Corporation (W. H. Smaw & Co.). Plea of guilty. Fines aggregating \$300 and costs. (F. & D. No. 10893. I. S. Nos. 1742-p, 3567-p, 4856-p, 4857-p, 4858-p, 16026-r, 16027-r.)**

On January 31, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cal-Sino Co., a corporation, trading as W. H. Smaw & Co., Baltimore, Md., alleging shipments by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 21, 1918, February 28, 1918, and June 29, 1918, from the State of Maryland into the States of Florida and Georgia, of quantities of articles, labeled in part "Compound Syrup of the Hypophosphites," "Bromo Febrin," "Hystoria," and "Aromatic Cod Liver Oil," which were adulterated and misbranded, and "Red Cross Kidney and Liver Regulator," "White Pine and Tar Syrup," and "Boro-Thymine," which were misbranded.

Analysis of samples of the Compound Syrup of the Hypophosphites by the Bureau of Chemistry of this department showed that it contained no ferric hypophosphites nor glycerin, only traces of hypophosphites of calcium and manganese, and 5.7 grams of quinine per 1,000 mls.

Adulteration of the article was alleged in the information in that it was sold under and by a name recognized in the National Formulary and then and there differed from the standard of strength, quality and purity as determined by the tests laid down in said National Formulary, official at the time of the investigation of the article, in that in 1 liter of the article there was only a trace, if any, of calcium hypophosphite, no ferric hypophosphite, only a trace, if any, of manganese hypophosphite, 5.7 grains of quinine, and no glycerin, whereas said National Formulary provides that the said article should contain 35 grams of calcium hypophosphite, 2.25 grams of ferric hypophosphite, 2.25 grams of manganese hypophosphite, 11 grams of quinine and 50 mls of glycerin per liter, and the standard of the strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding of the article was alleged in the information in that it was a product which contained only a trace, if any, of calcium hypophosphite, no ferric hypophosphite, only a trace, if any, of manganese hypophosphite, 5.7 grams of quinine, and no glycerin per liter, prepared in imitation of compound sirup of hypophosphites, a product which contains 35 grams calcium hypophosphite, 1.1 grams quinine and 50 mls of glycerin per liter, and was offered for sale and sold under the name of another article, to wit, compound sirup of the hypophosphites. Misbranding of the article was further alleged in the information in that the labels on the bottles containing the article bore statements which were false and fraudulent in that they were applied to the article knowingly and in a reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for consumption,

weak lungs, coughs, bronchitis, indigestion, weakness, and all forms of general debility, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a treatment, remedy or cure for consumption, weak lungs, coughs, bronchitis, indigestion, weakness, or all forms of general debility.

Analysis of a sample of Bromo Febrin by the Bureau of Chemistry of this department showed that the product was labeled as containing 4 grains of acetanilid per powder, whereas it contained about 30 per cent less than this amount and that it contained no bromids or bromin compounds.

Adulteration of the article was alleged in the information in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as a product which contained 4 grains acetanilid per powder, and which contained, to wit, compounds of bromin per powder, whereas, in truth and in fact, each powder contained less than 4 grains of acetanilid and no compounds of bromin.

Misbranding of the article was alleged in the information in that the statements, to wit, "Bromo Febrin" and "Each Powder contains 4 grains Acetanilid," borne on the packages containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in this, that it represented that said article contained, to wit, compounds of bromin and that each powder contained 4 grains of acetanilid, whereas, in truth and in fact, said article contained no compounds of bromin, and each powder contained less than 4 grains of acetanilid; said article was further misbranded in that it contained acetanilid and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein.

Analysis of a sample of Red Cross Kidney and Liver Regulator by the Bureau of Chemistry of this department showed that the product was a hydro-alcoholic solution, sweetened, and containing as active ingredients potassium acetate, methyl salicylate, eucalyptus, podophyllum, and jaborandi.

Misbranding of the article was alleged in the information in that the statements, designs, and devices on the labels on the bottles containing, and on the cartons enclosing the article, regarding the therapeutic and curative effects of the article, were false and fraudulent, in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of purchasers thereof the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for Bright's disease, diabetes, jaundice, headache, intestinal catarrh, chronic catarrh of the liver, kidneys, and bladder, dizziness, pains in the right shoulder or right side, nervousness, and all affections of the kidneys and liver, and effective as a regulator of the kidneys and liver, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a treatment, remedy, or cure for the diseases named.

Analysis of a sample of Hystoria by the Bureau of Chemistry of this department showed that the product was a sweetened hydro-alcoholic solution containing small amounts of drug plant extractives, traces of alkaloids in amounts too small to identify, and 16.2 per cent of alcohol by volume.

Adulteration of the article was alleged in the information in that the statement, to wit, "Contains 32 per cent Alcohol," borne on the carton enclosing, and on the bottle containing the article, was false and misleading in this that it represented that said article contained 32 per cent of alcohol, whereas, in truth and in fact, it contained less than 32 per cent of alcohol, to wit, 16.2 per

cent of alcohol; said article was further misbranded in that it contained alcohol and the label failed to bear a statement of the amount and proportion of alcohol contained therein.

Misbranding of the article was further alleged in the information in that the statements, designs, and devices on the label of the bottle containing, and on the cartons enclosing the article, regarding the therapeutic and curative effects of the article, were false and fraudulent in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment, remedy, cure, and preventive for painful, suppressed, or scant menstruation, flooding or hemorrhage of the womb, and all uterine diseases in general, and effective for all the troubles incident to the menstrual period, prolapsus or falling of the womb, pains in the loins and back, leucorrhœa or whites, and effective to strengthen the parts and give ease and comfort during the period of gestation, and effective as a remedy, treatment, and cure for all female weaknesses, inflammation or ulceration of the womb, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a treatment, remedy, cure, or preventive for the diseases named.

Analysis of a sample of Smaw's Aromatic Extract of Cod Liver Oil Emulsion by the Bureau of Chemistry of this department showed that the product consisted essentially of sugar, aromatics, compounds of phosphorus, calcium, magnesium and iron, plant extractives, indicating extract of wild cherry bark, 12.5 per cent of alcohol by volume, and water. No cod liver oil was present.

Adulteration of the article was alleged in the information in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was a product which contained no cod liver oil and was sold as an article which contained cod liver oil, to wit, aromatic cod liver oil emulsion.

Misbranding of the article was alleged in the information in that the statements "Aromatic Cod Liver Oil Emulsion" and "Contains 17 per cent Alcohol," borne on the labels on the cartons enclosing, and on the bottles containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in this, that they represented that said article contained cod liver oil, and that said article contained 17 per cent of alcohol, whereas, in truth and in fact, said article contained no cod liver oil, and contained less than 17 per cent of alcohol, to wit, 12.5 per cent of alcohol; said article was further misbranded in that it was a product which contained no cod liver oil, prepared in imitation of cod liver oil emulsion, and was offered for sale and sold under the name of another article, to wit, cod liver oil emulsion; said article was further misbranded in that it contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein. Misbranding was further alleged in the information in that the statements on the carton enclosing, and on the label on the bottles containing the article, regarding the therapeutic and curative effects of the article, were false and fraudulent, in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for consumption and other pulmonary and scrofulous affections and any disorder attendant upon an impoverished

condition of the blood, and effective as a body builder in cases of deficient nutrition and wasting diseases, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a treatment, remedy or cure for the diseases named.

Analysis of a sample of White Pine and Tar Syrup by the Bureau of Chemistry of this department showed that the product consisted of a sirup containing ammonium chlorid, plant extractives, with indications of white pine bark and balm of Gilead buds, oil of tar, 5.75 per cent of alcohol by volume, and 2.19 minims of chloroform per fluid ounce.

Misbranding of the article was alleged in the information in that the statement "Each Fluid Ounce Contains 4 minims Chloroform," borne on the carton enclosing, and on the label of the bottle containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in this, that it represented that said article contained in each fluid ounce 4 minims of chloroform, whereas, in truth and in fact, said article did not contain in each fluid ounce 4 minims of chloroform, but did contain a less amount, to wit, 2.19 minims of chloroform per fluid ounce; said article was further misbranded in that it contained chloroform and the label failed to bear a statement of the quantity or proportion of chloroform contained therein. Misbranding was further alleged in the information in that the statements, designs, and devices, appearing on the labels on the cartons enclosing the article, regarding the therapeutic and curative effects of the article, were false and fraudulent, in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for chronic asthma, croup, hoarseness, catarrhal affections of the throat and lungs, and effective as a treatment, remedy, and cure for whooping cough, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain ingredients or medicinal agents effective, among other things, as a treatment, remedy or cure for the diseases named.

Analysis of a sample of Boro-Thymine by the Bureau of Chemistry of this department showed that the product was a hydro-alcoholic solution containing about 2 per cent of boric acid, with small amounts of benzoic acid, methyl salicylate, thymol, menthol, and eucalyptol.

Misbranding of the article was alleged in the information in that the statements, designs, and devices appearing on the labels on the bottles containing the article, regarding the therapeutic and curative effects of the article, were false and fraudulent, in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for scarlet fever, diphtheria, diarrhoea, dysentery, gonorrhoea, leucorrhoea, and membranous catarrhs, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a treatment, remedy, or cure for the diseases named.

On January 31, 1920, the defendant entered a plea of guilty, and the court imposed fines aggregating \$300 and costs.

E. D. BALL, *Acting Secretary of Agriculture*.

**7720. Misbranding of Prince's Pills, Prince's Liniment, and Dr. Prince's Tru-Vigor Nerve Tablets. U. S. \* \* \* v. Boston Drug & Chemical Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 8879. I. S. Nos. 2613-p, 2614-p, 2615-p.)**

On October 10, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Boston Drug & Chemical Co., a corporation, Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 27, 1917, from the Commonwealth of Massachusetts into the State of Rhode Island, of quantities of articles, labeled in part "Prince's Pills," "Prince's Liniment," and "Dr. Prince's Tru-Vigor Nerve Tablets," which were misbranded.

Analysis of a sample of Prince's Pills by the Bureau of Chemistry of this department showed that the article was a pill composed largely or wholly of rhubarb and aloes, coated with a mixture of calcium carbonate, starch, and sugar, and colored with amaranth.

Misbranding of the article was alleged in substance in the information in that the statements, designs, and devices in the circular accompanying the article, regarding the therapeutic effects of the article, were false and fraudulent, in this, that by means of the said circular, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy, treatment, and cure for suppressed, delayed, scanty, painful, and irregular menstruation, and effective to produce a miscarriage, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy, treatment, or cure as claimed by the statements for the article.

Analysis of a sample of Prince's Liniment by the Bureau of Chemistry of this department showed that the article was a liniment containing ammonia, camphor, turpentine oil, and a small percentage of alcohol.

Misbranding of the article was alleged in the information in that the statements on the wrapper enclosing, and on the labels of the bottles containing the article, regarding the therapeutic and curative effects of the article, were false and fraudulent, in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy, treatment, and cure for all pain, rheumatism, neuralgia, diphtheria, sore throat, asthma, sciatica, bronchitis, erysipelas, salt rheum, numbness of the limbs, spasms of the stomach and bowels, all internal and external pains, corns, warts, calloused flesh, piles, fistula, headache, earache, and inflammation, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal medicines effective, among other things, as a remedy, treatment, or cure, as claimed by the